



Arlington Conservation Commission

Date: Thursday, November 16, 2023

Time: 7:00 PM

Location: Conducted by Remote Participation

Please register in advance for this meeting. Reference materials, instructions, and access information for this specific meeting will be available 48 hours prior to the meeting on the Commission's agenda and minutes page. This meeting will be conducted in a hybrid format consistent with Chapter 2 of the Acts of 2023, which further extends certain COVID-19 measures regarding remote participation in public meetings until March 31, 2025. Please note: Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law. This agenda includes those matters which can be reasonably anticipated to be discussed at the meeting.

Agenda

1. Administrative
 - a. Meeting Minutes.
 - b. Correspondence Received.
All correspondence is available to the public. For a full list, contact the Conservation Agent at concomm@town.arlington.ma.us.
2. Discussion
 - a. Enforcement Order: 66R Dudley Street.
 - b. Enforcement Order: 451 and 455 Mystic Street.
 - c. Symmes Conservation Restriction.
 - d. Zoning and Ownership of Town-owned Properties.
 - e. CPA Updates.
 - f. Water Bodies Working Group.
 - i. Spy Pond Invasive Control.
 - g. Park & Recreation Commission Liaison.
 - i. Next meeting of the Park & Recreation Commission to be held on 11/28.
3. Hearings

[After 8:30 PM] Notice of Intent: Thorndike Place (Continuation from 11/02/23).

[After 8:30 PM] notice of Intent: Thorndike Place (Continuation from 11/02/23).

The Conservation Commission will hold a public hearing under the Wetlands Protection Act to consider a Notice of Intent for the construction of Thorndike Place, a multifamily development on Dorothy Road in Arlington. This hearing will concern the Conservation Commission's request for peer review of submitted materials. This hearing will include an update on progress regarding wildlife habitat and stormwater peer review.



Town of Arlington, Massachusetts

Correspondence Received.

Summary:

Correspondence Received.

All correspondence is available to the public. For a full list, contact the Conservation Agent at concomm@town.arlington.ma.us.

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Correspondence_Received_Bill_Mahoney.pdf	Correspondence Received_Bill Mahoney
▢ Reference Material	Correspondence_Received_Brian_McBride.pdf	Correspondence Received_Brian McBride
▢ Reference Material	Correspondence_Received_Coalition_to_Save_Mugar_Wetlands.pdf	Correspondence Received_Coalition to Save Mugar Wetlands
▢ Reference Material	Correspondence_Received_Colleen_Kirby.pdf	Correspondence Received_Colleen Kirby
▢ Reference Material	Correspondence_Received_Julia_and_Robert_DiBiase.pdf	Correspondence Received_Julia and Robert DiBiase
▢ Reference Material	Correspondence_Received_Katja_Kwaku.pdf	Correspondence Received_Katja Kwaku
▢ Reference Material	Correspondence_Received_Sen._Cindy_Friedman.pdf	Correspondence Received_Sen. Cindy Friedman
▢ Reference Material	Correspondence_Received_Steve_Moore.pdf	Correspondence Received_Steve Moore
▢ Reference Material	Correspondence_Received_Wynelle_Evans.pdf	Correspondence Received_Wynelle Evans

5 Mystic Lake Drive

bm.metro@verizon.net <bm.metro@verizon.net>

Fri 11/3/2023 11:38 AM

To:David Morgan <dmorgan@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.







David , everything is complete we are just waiting for them to pick up machine. Scheduled to be picked up this afternoon. Let me know if you need additional photos ? Really appreciate your help. Have a great weekend. Thanks again, Bill

[Sent from AOL on Android](#)

Re: Tree Mapping Tool

David Morgan <dmorgan@town.arlington.ma.us>

Thu 11/9/2023 9:56 AM

Bcc: Chuck Tirone <ctirone@ci.reading.ma.us>; 'David White' <dwhite@gilbertwhite.com>; Nathaniel Stevens <nstevens@McGregorLaw.com>; David Kaplan <dkaplan31@gmail.com>; Mike Gildesgame <mikeg125@gmail.com>; Claire Ricker <cricker@town.arlington.ma.us>; Brian McBride <brianmcb@outlook.com>; Susan Chapnick <s.chapnick@comcast.net>

To avoid conflict with Open Meeting Law, please email Brian any questions directly.

I got access to Evelyn's map earlier this week and my reaction was that we need this for every Town-owned lot, so I'll be keeping that proposal in the queue, perhaps for the next CPA round.

Cheers,
David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012

Arlington values equity, diversity, and inclusion. We are committed to building a community where everyone is heard, respected, and protected.

From: Brian McBride <brianmcb@outlook.com>

Sent: Thursday, November 9, 2023 9:49 AM

To: Susan Chapnick <s.chapnick@comcast.net>

Cc: Chuck Tirone <ctirone@ci.reading.ma.us>; dwhite@gilbertwhite.com <dwhite@gilbertwhite.com>; Nathaniel Stevens <nstevens@mcgregorlaw.com>; Dave Kaplan <dkaplan31@gmail.com>; mikeg125@gmail.com <mikeg125@gmail.com>; David Morgan <dmorgan@town.arlington.ma.us>; Claire Ricker <cricker@town.arlington.ma.us>

Subject: Tree Mapping Tool

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I thought folks might be interested in this tree population mapping tool. It's an easy to use visualization of trees in a given parcel following a site tree inventory.

It was based on the CPAC requires tree survey at Hills Hill. Evelyn Ginsburg did the excellent tool development work

One can filter using check boxes for tree size, species, designation etc.

Mapping by theXS
mapping.thexs.app



Let me know if any questions.

Best,

Brian McBride
m 617-645-8729



November 9, 2023

To Members of the Conservation Commission:

We are writing to reiterate our position that Beta Group should not be considered for any of the requested peer reviews for the proposed Thorndike Place development.

Over the past several years and during the ZBA review, Beta Group was involved with the project and appears to have formed a level of comfort that puts into question an objective viewpoint. As a peer review plays a critical role in identifying potential problems, it is essential to retain qualified professionals that will perform a rigorous and impartial evaluation of the design, materials and results of a project. As such, a "new set of eyes" is needed to perform a comprehensive review of the project applying today's standards and taking into account the future impact of climate change the development would have on this East Arlington neighborhood.

Thank you for your time and attention to this concern.

Jeanette Cummings, 32 Dorothy Rd.
Julie DiBiase, 29 Littlejohn St.

On behalf of the Coalition to Save the Mugar Wetlands

Cc: David Morgan, Environmental Planner/Conservation Agent

Concerns about Mugar and other developments

Colleen Kirby <kirby.cho@gmail.com>

Thu 11/2/2023 10:19 AM

To:ConComm <ConComm@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Conservation Commission,

I live on a small parcel near Symmes that has some Wildlands left. We get significant visits from wild creatures who need larger areas of wild spaces to breed and survive. These animals include raccoons, coyotes, red foxes, opossum, groundhogs, too many rabbits, tanagers, grackles, warblers, red headed woodpecker, barred owl, eastern screech owl, squirrels, chipmunks, tiger swallowtails and so much more.

Unfortunately as more and more construction takes place and small intact wood lots are turned into houses or grass, these animals are being displaced. Our little lot is only a pass through, but in order for them to be able to survive in Arlington, they need to have larger intact areas like the Mugar lands, Hills Hill, Symmes woodlot, Great Meadows and other small undeveloped Wildlands. Do what you can to protect our creatures who cannot speak for themselves.

When I first moved to Arlington I would thrill at the mating howls of the coyotes up on the hill every February. For the past few years this has not happened which is an indication that our wild neighbors are not finding the accommodations they need. At least I did wake up to a flock of 10 turkeys yesterday, so I know it is not too late to plan for keeping parcels of wilderness patches throughout Arlington so we don't end up living in a human-only degraded space.

As you are the body that speaks for nature, I support your efforts to find ways that our fellow species can live in and navigate through Arlington. The Mugar appears to be a very important component especially as it is near such heavily developed areas and includes cattail wetlands.

All the best,
Colleen Kirby
Former TMM P15

Sent from my iPhone

Firm to look at

rjdibiase@aol.com <rjdibiase@aol.com>

Thu 11/2/2023 7:34 PM

To:ConComm <ConComm@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please look into this Co.

Goddard Consulting, LLC
291 Main Street, Suite 8
Northborough, MA 01532
508-393-3784

Goddardconsultingllc.com

Re: Amphibian Restoration Project in Arlington

Katja Kwaku <katja.kwaku@uconn.edu>

Fri 11/3/2023 10:20 AM

To: David Morgan <dmorgan@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi David,

Perfect, a Zoom link would be great. I am mostly focused on reintroducing the critters since I know Arlington has some potential vernal pools, but I'm open to discussing the options and I'm looking forward to our meeting!

Best,
Katja

On Fri, Nov 3, 2023 at 9:08 AM David Morgan <dmorgan@town.arlington.ma.us> wrote:

Message sent from a system outside of UConn.

Hi Katja,

Let's do 10 AM. Should I send a Zoom invite or do you prefer meeting another way?

You may already be aware that Arlington has no certified vernal pools, but our Commission chair thought I should alert you to that fact. We've had several suspected vernal pools, but none verified. I'll be curious to learn whether your intent is to enhance habitat conditions for amphibian use or if you're more narrowly focused on reintroducing the critters. (A narrow focus is not a bad thing, of course!)

Cheers,
David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012

Arlington values equity, diversity, and inclusion. We are committed to building a community where everyone is heard, respected, and protected.

From: Katja Kwaku <katja.kwaku@uconn.edu>

Sent: Friday, November 3, 2023 9:02 AM

To: David Morgan <dmorgan@town.arlington.ma.us>

Subject: Re: Amphibian Restoration Project in Arlington

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi David,

Meeting on Nov 13th sounds good! I'm free in the morning before noon as well as after 4pm. Would one of those times work for you?

Thanks!

Katja

On Wed, Nov 1, 2023 at 3:34 PM David Morgan <dmorgan@town.arlington.ma.us> wrote:

Message sent from a system outside of UConn.

Hi Katja,

I'm thrilled to hear about your project and expect the Conservation Commission will be as well. What would you say to meeting the week of the 13th? Next week is already fairly booked, unfortunately, but if we meet that Monday, there would be time for me to update the commissioners in advance of our meeting that Thursday.

Cheers,

David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012

Arlington values equity, diversity, and inclusion. We are committed to building a community where everyone is heard, respected, and protected.

From: Katja Kwaku <katja.kwaku@uconn.edu>

Sent: Tuesday, October 24, 2023 12:11 PM

To: ConComm <ConComm@town.arlington.ma.us>

Subject: Amphibian Restoration Project in Arlington

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

My name is Katja and I am an Ecology and Evolutionary Biology PhD candidate at the University of Connecticut. As part of my project, I am hoping to restore wood frog and spring peeper populations to some vernal pools in Arlington this spring and summer. I have approval from the Massachusetts Division of Fisheries and Wildlife and the Town of Weston's conservation commission has agreed to have some of their vernal pools act as source populations. I was wondering what other permissions I would need to obtain to implement this project, and I'm happy to set up a meeting to discuss my plans more specifically and to hear your recommendations.

Thank you,
Katja Kwaku

--

Katja M. Kwaku
PhD Candidate, Urban Lab
Ecology and Evolutionary Biology
University of Connecticut
She/Her/Hers



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

Senator Cindy F. Friedman
Fourth Middlesex District

State house, Room 208
Boston, MA 02133-1053
Tel: (617) 722-1432
fax: (617) 722-1004

Cindy.Friedman@MASenate.gov
www.MASenate.gov

October 19, 2021

Arlington Board of Zoning of Appeals
51 Grove Street
Arlington, MA 02476

RE: Thorndike Place at the Mugar Wetlands

Dear Board:

I have followed your public review of the proposed Thorndike Place development at the site in East Arlington owned by the Mugar Family for the past several months, and I still remain in strong opposition to this project.

This site serves as a critical area of flood retention that has helped mitigate the constant flooding that occurs in this neighborhood. Without it, it is clear that the neighborhood will experience increased levels of flooding further jeopardizing their homes, safety and health. The problem is only exacerbated by the effects of climate change which we now understand causes more frequent severe weather events. Increased storm activity will also affect the already fragile Amelia Earhart Dam. A breach of the Dam will cause the Alewife Brook to back up and will in turn have an additional negative affect on a neighborhood already experiencing serious flooding.

I understand that the developer has offered to donate a piece of the land to the Town. Besides the fact that the wet land being offered has had waste dumped on it for decades and now is home to an ever-growing homeless population, it does not in any way mitigate the problems that a

Chair
Joint Committee on
Health Care Financing

Vice Chair
Senate Committee on
Ways and Means

development like the one being proposed will impose on the neighborhood, the Town and the ecosystem of the area.

In addition, while the traffic issues along Lake Street and the surrounding narrow feeder streets have been lessened during the pandemic, the bumper-to-bumper traffic is returning and the high-speed cut throughs scattered across our neighborhoods will become an even greater reality and problem for neighbors if this development is built.

I urge you to consider this project and its ramifications seriously, which I'm sure you are doing. I am a proponent of smart development and transit-oriented housing. But allowing any housing to be built regardless of whether an area can environmentally sustain it without causing hardship to the greater residents, is neither smart nor wise. And having been involved in this issue for quite some time, I do not believe any conditions that the Town may put on the developers will be enough to mitigate the harm the project will cause.

My office has worked on this issue since I became a Senator and before that I was involved as chief of staff to the late Senator Donnelly. As a private citizen and Town meeting member, I voted against the project at least three times.

I have not observed anything over the last few months of public review that has changed my position on this development project. I remain strongly opposed to it.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, reading "Cindy F. Friedman". The signature is written in a cursive, flowing style.

Cindy F. Friedman
State Senator
4th Middlesex

Thorndike Place Information

Steve <smtmm18@gmail.com>

Wed 10/4/2023 10:47 PM

To:ConComm <ConComm@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hardworking Folks of the Conservation Commission:

I'm Steve Moore, an Alington resident who lives on Piedmont Street. I have heard that the Thorndike Place project is once again in front of the Conservation Commission, and that the lawsuit which had been brought against the ZBA for their decision on the project had been dropped. Back about four or five years ago, when this project was in its second iteration, I had done some analysis on the number of tree trunk inches that would be taken down as part of the project, under the auspices of the Arlington Tree Committee at the time. This information may prove useful to your deliberations now, so I am forwarding it to you for your consideration. Below, in quotes, are extracts of emails that I put together at the time.

"There are 207 tree DBH inches total in the sample; the sample experience was scaled up to the 5.6 acre total. At \$375 per DBH inch, multiplied by 42,078.96 inches and a +/- 10% uncertainty, the range of value was established.

I estimate the value to be within a range of \$14.2 million to \$17.4 million. That is, what would be charged to a developer as a fine if they had illegally removed Arlington public street trees of similar DBH inches."

I would be glad to share the process background, if that would be helpful.

Thanks,

Steve Moore
781-648-2479

Mt. Gilboa Feasibility Study

Wynelle Evans <evco7@rcn.com>

Mon 11/6/2023 3:58 PM

To: ConComm <ConComm@town.arlington.ma.us>; David Morgan <dmorgan@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear all,

I just saw the notice for the Mt. Gilboa Feasibility Study, and a call for public comment—please add this letter to the record.

Mt. Gilboa in its current state is a haven for those of us who would prefer not to see signage, manicured paths, and other indications of management when we go for a walk in the woods. When I walk or run there, I can forget for a while that I'm surrounded by houses and roads and cars, and just turn my brain off! I can forget my profound sorrow about the state of our planet, and give thanks for this little spot of wildness in our dense community.

I see turkeys and foxes and woodpeckers and coyotes and all kinds of other critters. As the Mugar property, Hill's Hill, and possibly the Crusher lot are all facing transformation, where are these co-habitants of our planet supposed to go? Areas of minimal human imprint are critical to their survival, and should be protected as such.

And we know more and more about how these areas of wildness matter for human health, too:

<https://www.washington.edu/news/2020/02/26/wildness-in-urban-parks-important-for-human-well-being/>

"Past research has found health and wellness benefits of nature for humans, but this is the first study to show that wildness in urban areas is profoundly important for human well-being."

As to the house, I hope that it will not be removed and replaced with a vista park, as this will mean tree removal and significant changes to the landscape. It would be a shame to destroy what instead could be converted into two or three units to add to our Subsidized Housing Inventory. I understand that the drive would need to be widened, and other updates made, but re-use of the house would be a fairly low impact way to add a small amount of housing. Not to mention keep a lot of waste out of a landfill.

Arlington's unimproved areas are few, and subject to increasing pressures for a variety of uses. Please make any changes to Mt. Gilboa with the lightest of touches. Less is more here, truly.

Thank you, and best wishes,
Wynelle

Wynelle Evans
TMM, Pct. 14

781.859.9291 cell
evco7@rcn.com



Town of Arlington, Massachusetts

Enforcement Order: 66R Dudley Street.

Summary:

Enforcement Order: 66R Dudley Street.

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	66R_Dudley_Street_Enforcement_Order_11132023.pdf	66R Dudley Street Enforcement Order 11132023.pdf

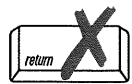


Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Violation Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Enforcement Order is issued by:

Arlington

Conservation Commission (Issuing Authority)

11/13/2023

Date

To:

Robert Castelluccio and Salvatore Lorusso, S & R Realty Trust

Name of Violator

66-66R Dudley Street

Address

1. Location of Violation:

Property Owner (if different)

66-66R Dudley Street

Street Address

Arlington

City/Town

55-2

Assessors Map/Plat Number

02476

Zip Code

30A

Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet)

Unpermitted patio removal and re-installation

B. Findings

The Issuing Authority has determined that the activity described above is in a resource zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (CMR 10.00), because:

☒ the activity has been/is being conducted in an area subject to protection under the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditional Determination).

Findings (cont.)

☐ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name

Dated

File Number

Condition number(s)

☐ The Order of Conditions expired on (date): _____
Date

☐ The activity violates provisions of the Certificate of Compliance.

☐ The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

☐ Other (specify): _____

Order

The issuing authority hereby orders the following (check all that apply):

- ☒ The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.
- ☐ Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

☐ A restoration plan shall be filed with the issuing authority on or before _____
Date

for the following:

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Order (cont.)

- ☐ Complete the attached Notice of Intent (NOI). The NOI shall be filed with the IS or before:

Date

for the following:

No further work shall be performed until a public hearing has been held and an Order has been issued to regulate said work.

- ☒ The property owner shall take the following action (e.g., erosion/sedimentation prevent further violations of the Act:

Attend the 11/16/2023 7:00 PM meeting of the Arlington Conservation Commission with the Commission prior to the 11/16 meeting.

Failure to comply with this Order may constitute grounds for additional legal action. General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment more than two years, or both, such fine and imprisonment; or (b) shall be subject to to exceed twenty-five thousand dollars for each violation". Each day or portion thereof violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Name

Phone Number

Hours/Days Available

Issued by:

Conservation Commission

Conservation Commission signatures required on following page.

II. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or members of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature of delivery person or certified mail number



Town of Arlington, Massachusetts

Water Bodies Working Group.

Summary:

Water Bodies Working Group.
i. Spy Pond Invasive Control.



Town of Arlington, Massachusetts

[After 8:30 PM] Notice of Intent: Thorndike Place (Continuation from 11/02/23).

Summary:

[After 8:30 PM] notice of Intent: Thorndike Place (Continuation from 11/02/23).

The Conservation Commission will hold a public hearing under the Wetlands Protection Act to consider a Notice of Intent for the construction of Thorndike Place, a multifamily development on Dorothy Road in Arlington. This hearing will concern the Conservation Commission's request for peer review of submitted materials. This hearing will include an update on progress regarding wildlife habitat and stormwater peer review.

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Thorndike_Place_-_Peer_Review_Solicitation_-_BETA.pdf	Thorndike Place - Peer Review Solicitation - BETA.pdf
▢ Reference Material	Thorndike_Place_-_Peer_Review_Solicitation_-_EcoTec.pdf	Thorndike Place - Peer Review Solicitation - EcoTec.pdf
▢ Reference Material	Thorndike_Place_-_Peer_Review_Solicitation_-_Hatch.pdf	Thorndike Place - Peer Review Solicitation - Hatch.pdf
▢ Reference Material	Thorndike_Place_-_Peer_Review_Solicitation_-_Horsley_Witten.pdf	Thorndike Place - Peer Review Solicitation - Horsley Witten.pdf
▢ Reference Material	Thorndike_Place_-_Peer_Review_Solicitation_-_Kleinfelder.pdf	Thorndike Place - Peer Review Solicitation - Kleinfelder.pdf
▢ Reference Material	Thorndike_Place_-_Peer_Review_Solicitation_-_Land_Stewardship_Inc.pdf	Thorndike Place - Peer Review Solicitation - Land Stewardship Inc.pdf
▢ Reference Material	Thorndike_Place_-_Peer_Review_Solicitation_-_SWCA.pdf	Thorndike Place - Peer Review Solicitation - SWCA.pdf

RE: Thorndike Place Peer Review

Bill McGrath <BMcGrath@BETA-Inc.com>

Mon 11/13/2023 12:26 PM

To: David Morgan <dmorgan@town.arlington.ma.us>

Cc: Laura Krause <LKrause@BETA-Inc.com>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi David,

Thanks for reaching out to us on this. We've discussed internally and unfortunately given our current workload we don't have the staff capacity to take on this peer review at this time.

Thanks again for considering BETA.

Bill

William P. McGrath, PE

Vice President

BETA Group, Inc. | 401.333.2382 | C: 508.223.7811

Build your future at BETA. [Apply now!](#)

From: David Morgan <dmorgan@town.arlington.ma.us>

Sent: Tuesday, November 7, 2023 3:00 PM

To: Marta Nover <MNover@BETA-Inc.com>

Cc: Tyler de Ruiter <TDeRuiter@BETA-Inc.com>; Bill McGrath <BMcGrath@BETA-Inc.com>; Dennis Flynn <DFlynn@BETA-Inc.com>

Subject: Thorndike Place Peer Review

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Hover over any links before clicking them and forward questionable emails to IT if you are unsure. Forward spam to spam@appriver.com

Marta et. al.,

I'm writing to inquire about your availability to conduct a peer review of certain portions of a Notice of Intent application under consideration by Arlington's Conservation Commission. This is in addition to the work you conducted previously for Arlington's Zoning Board of Appeals for the project's comprehensive permit. Please let me know if you are able to take on the scope of work described below by November 14th. If so, please provide a timeline, cost estimate, and qualifications of the experts assigned to the review.

Thorndike Place is a proposed multifamily development in east Arlington along Route 2. The subject site contains Bordering Vegetated Wetland, Buffer Zone to BVW, and Bordering Land Subject to Flooding. The application is being considered under the Wetlands Protection Act (WPA) only because it has already received a Comprehensive Permit under 40B regulations. The BSC Group is working on behalf of the applicant, Arlington Land Realty, LLC of Boston; Oaktree Development is also involved in the proposed project.

Stormwater Review

The Conservation Commission is seeking peer review of the Stormwater Report and Management Plan associated with the Thorndike Place development to determine whether it complies with the Massachusetts Stormwater Standards. For reference, the associated materials can be found [here](#). The scope of work should include background and document review, a memorandum or letter to the Commission containing your conclusions and recommendations following this review, a review of the applicant's team's response to your initial memorandum, a written reply to the Commission addressing the applicant's response, a site visit, attendance at two Conservation Commission public hearings (held via Zoom). The Town will facilitate communication with the applicant and provide additional information as needed.

Habitat Review

The Conservation Commission is seeking peer review of the Thorndike Place Planting Plan, contained in the Notice of Intent, for compliance with the performance standards for restoration work in Bordering Land Subject to Flooding (BLSF) and standards for work in the Buffer Zone to Bordering Vegetative Wetland (BVW). The Commission not only wishes to know whether the plan is designed to succeed and whether the plan will enhance wildlife habitat values. The scope of work should include background and document review, of the relevant documents, a memorandum or letter to the Commission containing your conclusions and recommendations following this review, a review of the applicant's team's response to your initial memorandum, a written reply to the Commission addressing the applicant's response, a site visit, meeting support for at least two Conservation Commission public hearings (held via Zoom), and a final report. The Town will facilitate communication with the applicant and provide additional information as needed. For reference, the associated materials can be found [here](#).

Cheers,
David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012

Arlington values equity, diversity, and inclusion. We are committed to building a community where everyone is heard, respected, and protected.

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

Confidentiality Notice:

This email message (and any attachments) contains information from BETA Group, Inc. that is confidential. If you are not the intended recipient(s), you may not disclose, copy, distribute, rely upon, or use its contents. Please reply to the sender immediately and delete this message. Thank you for your cooperation.

RE: Thorndike Place Peer Review

John Rockwood <jrockwood@ecotecinc.com>

Mon 11/13/2023 9:26 AM

To: David Morgan <dmorgan@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

David,

Thank you for the opportunity. At this time due to my current work load and deadlines, I am not able to commit to such a review.

I wish you the best in getting a consultant for this work.

Thank you,

John

From: David Morgan <dmorgan@town.arlington.ma.us>

Sent: Thursday, November 9, 2023 8:14 AM

To: John Rockwood <jrockwood@ecotecinc.com>

Subject: Re: Thorndike Place Peer Review

Thanks, John. We've solicited different firms with expertise in each area of review and expect we will be hiring two in the end. Please do submit a response if you're interested in the habitat review; it won't count against you that you have responded to just one.

Cheers,
David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012

Arlington values equity, diversity, and inclusion. We are committed to building a community where everyone is heard, respected, and protected.

From: John Rockwood <jrockwood@ecotecinc.com>

Sent: Wednesday, November 8, 2023 4:00 PM

To: David Morgan <dmorgan@town.arlington.ma.us>

Subject: Re: Thorndike Place Peer Review

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I think you want to have a single firm that can address both questions. We do not have stormwater review capabilities. We could certainly address the wildlife habitat component. Again, I would think you want one firm to do both tasks.

Thank you

John

Sent from my iPhone

On Nov 8, 2023, at 2:56 PM, David Morgan <dmorgan@town.arlington.ma.us> wrote:

Hi John,

I hope you're able to submit a response to this call for peer review. If you choose to submit for both, please draw up separate documentation for each so that we can compare submissions with each part of the project. Responses are due on November 14th.

Stormwater Review

The Conservation Commission is seeking peer review of the Stormwater Report and Management Plan associated with the Thorndike Place development to determine whether it complies with the Massachusetts Stormwater Standards. For reference, the associated materials can be found [here](#). The scope of work should include background and document review, a memorandum or letter to the Commission containing your conclusions and recommendations following this review, a review of the applicant's team's response to your initial memorandum, a written reply to the Commission addressing the applicant's response, a site visit, attendance at two Conservation Commission public hearings (held via Zoom). The Town will facilitate communication with the applicant and provide additional information as needed.

Habitat Review

The Conservation Commission is seeking peer review of the Thorndike Place Planting Plan, contained in the Notice of Intent, for compliance with the performance standards for restoration work in Bordering Land Subject to Flooding (BLSF) and standards for work in the Buffer Zone to Bordering Vegetative Wetland (BVW). The Commission not only wishes to know whether the plan is designed to succeed and whether the plan will enhance wildlife habitat values. The scope of work should include background and document review, of the relevant documents, a memorandum or letter to the Commission containing your conclusions and recommendations following this review, a review of the applicant's team's response to your initial memorandum, a written reply to the Commission addressing the applicant's response, a site visit, meeting support for at least two Conservation Commission public hearings (held via Zoom), and a final report. The Town will facilitate communication with the applicant and provide additional information as needed. For reference, the associated materials can be found [here](#).

Cheers,
David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012

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Re: Thorndike Place Peer Review

David Morgan <dmorgan@town.arlington.ma.us>

Tue 11/7/2023 3:02 PM

To: Bitsko, Duke <duke.bitsko@hatch.com>

Hi Duke,

I'm reaching out again about this project with a new deadline for submissions: November 14th. The scope is slightly revised below.

Habitat Review

The Conservation Commission is seeking peer review of the Thorndike Place Planting Plan, contained in the Notice of Intent, for compliance with the performance standards for restoration work in Bordering Land Subject to Flooding (BLSF) and standards for work in the Buffer Zone to Bordering Vegetative Wetland (BVW). The Commission not only wishes to know whether the plan is designed to succeed and whether the plan will enhance wildlife habitat values. The scope of work should include background and document review, of the relevant documents, a memorandum or letter to the Commission containing your conclusions and recommendations following this review, a review of the applicant's team's response to your initial memorandum, a written reply to the Commission addressing the applicant's response, a site visit, meeting support for at least two Conservation Commission public hearings (held via Zoom), and a final report. The Town will facilitate communication with the applicant and provide additional information as needed. For reference, the associated materials can be found [here](#).

Cheers,
David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012

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From: Bitsko, Duke <duke.bitsko@hatch.com>

Sent: Tuesday, October 31, 2023 2:12 PM

To: David Morgan <dmorgan@town.arlington.ma.us>

Subject: RE: Thorndike Place Peer Review

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sorry but I wasn't able to find an ecologist on short notice. There were many facets of the review I could accomplish but I wanted an ecologist or wetland scientist to ultimately review and sign the document. Duke.

Duke Bitsko, PLA

Director, Interdisciplinary Design

Tel: 978 224 3123 C: 617 721 3292

27 School Street, 5th floor
Boston, MA 02108



From: David Morgan <dmorgan@town.arlington.ma.us>
Sent: Tuesday, October 31, 2023 12:36 PM
To: Bitsko, Duke <duke.bitsko@hatch.com>
Cc: Keel, Andrew <andrew.keel@hatch.com>
Subject: Re: Thorndike Place Peer Review

**** CAUTION:** This email originated outside Hatch. Do not click links or open attachments unless you can authenticate the sender and the content

Thanks, Duke, received! Is there a reason Hatch isn't also submitting for the habitat review?

Cheers,
David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012

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From: Bitsko, Duke <duke.bitsko@hatch.com>
Sent: Tuesday, October 31, 2023 9:41 AM
To: David Morgan <dmorgan@town.arlington.ma.us>
Cc: Keel, Andrew <andrew.keel@hatch.com>
Subject: RE: Thorndike Place Peer Review

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
Good morning, David.

Please find attached our proposal for the Thorndike Place Stormwater Peer Review. I did not attach our standard rates or terms and conditions as I need to run to fresh pond for a meeting. Upon reviewing the proposal I would be happy to submit those 2 attachments when I return.

Thanks, Duke.

Duke Bitsko, PLA
Director, Interdisciplinary Design

Tel: 978 224 3123 C: 617 721 3292
27 School Street, 5th floor
Boston, MA 02108



From: David Morgan <dmorgan@town.arlington.ma.us>
Sent: Thursday, October 26, 2023 3:37 PM
To: Bitsko, Duke <duke.bitsko@hatch.com>
Cc: Keel, Andrew <andrew.keel@hatch.com>
Subject: Thorndike Place Peer Review

**** CAUTION:** This email originated outside Hatch. Do not click links or open attachments unless you can authenticate the sender and the content

Hi Duke and Andrew,
Please excuse the form letter below. I hope you're able to submit a response to this call for peer review. If you choose to submit for both, please draw up separate documentation for each so that we can compare submissions with each part of the project.

I'm writing to inquire about your availability to conduct a peer review of certain portions of a Notice of Intent application under consideration by Arlington's Conservation Commission. Please let me know if you are able to take on the scope of work described below, and if so, please provide a timeline and cost estimate.

Thorndike Place is a proposed multifamily development in east Arlington along Route 2. The subject site contains Bordering Vegetated Wetland, Buffer Zone to BVW, and Bordering Land Subject to Flooding. The application is being considered under the Wetlands Protection Act (WPA) only because it has already received a Comprehensive Permit under 40B regulations. The BSC Group is working on behalf of the applicant, Arlington Land Realty, LLC of Boston; Oaktree Development is also involved in the proposed project.

Stormwater Review

The Conservation Commission is seeking peer review of the Stormwater Report and Management Plan associated with the Thorndike Place development to determine whether it complies with the Massachusetts Stormwater Standards. For reference, the associated materials can be found [here](#). The scope of work should include background and document review, a memorandum or letter to the Commission containing your conclusions and recommendations following this review, a review of the applicant's team's response to your initial memorandum, a written reply to the Commission addressing the applicant's response, a site visit, attendance at two Conservation Commission public hearings (held via Zoom). The Town will facilitate communication with the applicant and provide additional information as needed.

If you are available and interested, please submit your proposal by noon on Tuesday, October 31st.

Habitat Review

The Conservation Commission is seeking peer review of the Thorndike Place Planting Plan, contained in the Notice of Intent, for compliance with the performance standards for restoration work in Bordering Land Subject to Flooding (BLSF) and standards for work in the Buffer Zone to Bordering Vegetative Wetland (BVW). The Commission not only wishes to know whether the plan is designed to succeed also wishes to know whether the plan will enhance wildlife habitat characteristics as detailed in 310 CMR 10.60; the applicant has agreed that such a standard should be the goal, even if that performance standard does not strictly apply. The scope of work should include background and document review, of the relevant documents, a memorandum or letter to the Commission containing your conclusions and recommendations following this review, a review of the applicant's team's response to your initial memorandum, a written reply to the Commission addressing the applicant's response, a site visit, meeting support for at least two Conservation Commission public hearings (held via Zoom), and a final report. The Town will facilitate communication with the applicant and provide additional information as needed. For reference, the associated materials can be found [here](#).

If you are available and interested, please submit your proposal by noon on Tuesday, October 31st.

Cheers,
David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development |
781.316.3012

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Thorndike Place Peer Review

David Morgan <dmorgan@town.arlington.ma.us>

Wed 11/8/2023 2:58 PM

To: Amy Ball <aball@horsleywitten.com>

Cc: Gabrielle Queenan <gqueenan@horsleywitten.com>

Hi Amy and Gabby,

I hope you're able to submit a response to this call for peer review. If you choose to submit for both, please draw up separate documentation for each so that we can compare submissions with each part of the project.

Responses are due on November 14th.

Stormwater Review

The Conservation Commission is seeking peer review of the Stormwater Report and Management Plan associated with the Thorndike Place development to determine whether it complies with the Massachusetts Stormwater Standards. For reference, the associated materials can be found [here](#). The scope of work should include background and document review, a memorandum or letter to the Commission containing your conclusions and recommendations following this review, a review of the applicant's team's response to your initial memorandum, a written reply to the Commission addressing the applicant's response, a site visit, attendance at two Conservation Commission public hearings (held via Zoom). The Town will facilitate communication with the applicant and provide additional information as needed.

Habitat Review

The Conservation Commission is seeking peer review of the Thorndike Place Planting Plan, contained in the Notice of Intent, for compliance with the performance standards for restoration work in Bordering Land Subject to Flooding (BLSF) and standards for work in the Buffer Zone to Bordering Vegetative Wetland (BVW). The Commission not only wishes to know whether the plan is designed to succeed and whether the plan will enhance wildlife habitat values. The scope of work should include background and document review, of the relevant documents, a memorandum or letter to the Commission containing your conclusions and recommendations following this review, a review of the applicant's team's response to your initial memorandum, a written reply to the Commission addressing the applicant's response, a site visit, meeting support for at least two Conservation Commission public hearings (held via Zoom), and a final report. The Town will facilitate communication with the applicant and provide additional information as needed. For reference, the associated materials can be found [here](#).

Cheers,

David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012

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CLIENT PROFESSIONAL SERVICES AGREEMENT

Kleinfelder Northeast, Inc. and Arlington, Massachusetts

This Agreement is made on: _____ between the Town of Arlington, MA (**Client**) and Kleinfelder Northeast, Inc. (**Kleinfelder**). Client hereby appoints Kleinfelder to provide certain Services (as defined below), and Kleinfelder hereby agrees to perform the Services, on the following terms and conditions:

1. SCOPE OF SERVICES

Client engages Kleinfelder to provide, and Kleinfelder agrees to provide, the professional services as set forth in Kleinfelder's Proposal dated October 31, 2023 (**Proposal**).

2. SCHEDULE AND PAYMENT

Kleinfelder shall perform the Services, and Client shall pay Kleinfelder, in accordance with the schedule and payment basis set forth in the Proposal.

3. GENERAL CONDITIONS AND ADDENDA

THE GENERAL CONDITIONS ON PAGE 2 CONTAIN INDEMNIFICATION, LIMITATION OF LIABILITY AND OTHER IMPORTANT PROVISIONS AFFECTING THE PARTIES' LEGAL RIGHTS AND OBLIGATIONS.

Client and Kleinfelder have read, understand and agree to this Agreement, the General Conditions, the Indemnity and Limitation of Liability provisions located on Page 2, and all Proposal, Fee Schedule and addenda identified herein.

This Agreement includes the terms herein, General Conditions and any Proposal, Fee Schedule and addenda identified herein, which taken together apply to all services undertaken pursuant to this Agreement, represent the parties' entire agreement of and supersedes all agreements on the same subjects between the parties, either oral or in writing, including any Client work or purchase order.

This Agreement is governed and construed in accordance with the laws of the state where the Services are performed. The parties irrevocably and unconditionally submit to the non-exclusive jurisdiction of the courts of such state and waive any right to object to any proceedings being brought in those courts. The parties hereby expressly waive any and all rights to trial by jury.

EXECUTED by the parties as of the date first written above:

CLIENT:

KLEINFELDER:



By: _____

By: _____

Printed Name: _____

Printed Name: Cecilia Carrion-Carmona

Title:

Title: Business Operations Manager,
Kleinfelder Northeast, Inc.

CLIENT PROFESSIONAL SERVICES AGREEMENT – GENERAL CONDITIONS

1. **Standard of Care.** Kleinfelder will perform its Services in a manner consistent with that level of care and skill ordinarily exercised by other members of Kleinfelder's profession practicing in the same locality, under similar conditions and at the date the Services are provided. Kleinfelder makes no representation, guarantee or warranty, express or implied, regarding the Services, or any communication (oral or written), certification, report, opinion, or Instrument of Service provided under or pursuant to this Agreement.
2. **Insurance.** Kleinfelder will maintain worker's compensation, commercial general liability, automobile liability and professional indemnity insurance coverage. Client will maintain adequate insurance coverage and will require and verify any contractors or parties it hires to have adequate insurance coverage. Client agrees that its failure to comply with this clause invalidates any indemnity by Kleinfelder hereunder.
3. **Pricing and Payment.** The hourly rates charged for Kleinfelder's Services are adjusted annually in January of each year to reflect changes in the various elements that comprise such hourly rates. Kleinfelder reserves the right to periodically adjust its fee schedule. Except as otherwise provided in the first page of this agreement or Proposal, Client shall pay invoices upon receipt. Invoices not paid within thirty (30) days of invoice date incur a fee of 1½ % per month from the date of invoice and suspension by Kleinfelder of all Services.
4. **Prevailing Wages.** It is Client's legal responsibility to determine whether the Project is covered under prevailing wage regulations. Unless Client specifically informs Consultant in writing that the Project is a prevailing wage project and is identified as such in Consultant's Scope of Services, Client agrees to defend, indemnify and hold harmless Consultant from and against all liabilities, losses, claims, costs and damages (including reasonable costs and attorneys fees), resulting from a determination that the Project was covered under prevailing wage regulations.
5. **Termination.** Either party may terminate this Agreement at any time upon written notice, whether for cause or for convenience, in which event Client shall pay Kleinfelder for such portion of the Services performed and materials provided up to the date of termination.
6. **Performance.** Kleinfelder will perform the Services as an independent contractor and will not act as Client's agent or employee. The parties do not intend to create, and nothing in this Agreement will be construed to create, any special relationship or fiduciary duty. Kleinfelder will be subject to and operate in compliance with all federal, state and local laws and regulations. Client agrees that Kleinfelder will not be responsible for the means, methods, techniques, sequences or procedures of construction, for constant or exhaustive inspection of construction work, or for the safety procedures employed by any party other than its own employees and subcontractors. Kleinfelder will only sign certifications relating to the Services if Kleinfelder agreed in writing prior to the commencement of the Services to provide them. Such certifications are statements of professional opinion only. Kleinfelder will not be liable for delay or failure to perform its Services caused directly or indirectly by circumstances beyond its control, including but not limited to, acts of God, fire, flood, war, sabotage, accident, labor dispute, shortage, government action or inaction, changed conditions, site inaccessibility, or delays due to actions or inactions of Client or others.
7. **Client Responsibilities.** Client agrees to provide all available material, data, and information pertaining to the Services, including, without limitation, (i) composition, quantity, toxicity, or potentially hazardous properties of any material known or believed to be present at any site, (ii) hazards that may be present, (iii) nature and location of underground or otherwise not readily apparent utilities, (iv) summaries and assessments of site past and present compliance status, (v) status of any judicial or administrative action concerning the site or Project, and (vi) Client's relevant benchmarks, plans, maps, and property ownership records. Client will ensure the cooperation of Client's employees, contractors and consultants ("Client Parties") with Kleinfelder. Kleinfelder is entitled to rely upon the accuracy and completeness of all information given by Client Parties.
8. **INDEMNITY; LIMITATION OF LIABILITY.** Client will defend, indemnify and hold harmless Kleinfelder, its officers, directors, parent, affiliates, shareholders and employees, from and against any all claims, demands, causes of action, damages or other liabilities, including but not limited to attorney's fees and other legal expenses reasonably incurred by Kleinfelder (collectively, "Claims"), that arise from performance of the Services or from Kleinfelder's acts, errors or omissions in connection with the Project or this Agreement, excepting Claims arising from the sole negligence or wilful misconduct of Kleinfelder. The maximum aggregate liability of Kleinfelder in connection with this Agreement and all amendments thereto, whether based in contract or tort or otherwise in law or equity, will be limited to the greater of the compensation actually paid to Kleinfelder for the Services hereunder or \$50,000, and Client hereby releases Kleinfelder from any liability above such amount. Upon Client's written request, the parties may negotiate and enter a written amendment in accordance with clause 11 herein to increase the amount of this limitation of liability in exchange for an increased payment to Kleinfelder. As used in this clause 8, "Kleinfelder" includes Kleinfelder, its affiliates, subcontractors, and each of their respective partners, officers, directors, shareholders and employees. Neither party will be liable to the other for any special, incidental, indirect, exemplary, punitive or consequential damages however arising incurred by either Kleinfelder or Client or for which either may be liable to a third party.
9. **Reliance.** The documents provided by Kleinfelder to Client under this Agreement may be based on information obtained from sources outside Kleinfelder's control. Other than the application of prudent professional care in their evaluation, Kleinfelder does not warrant, expressed or implied the accuracy thereof. All documentation furnished to Client is intended for the benefit of the Client for the purpose stated herein and is not intended or represented to be suited for reuse by Client or others. Any reuse or provision of the documents to others without the specific written consent of Kleinfelder for the specific purposes intended will be at user's sole risk and without liability and legal exposure to Kleinfelder.
10. **Hazardous Materials; Samples.** Kleinfelder will not take title to or be liable for any hazardous materials found at any project site. Any risk of loss with respect to all materials remains with the Client or the site owner, who will be considered the generator of such materials, execute all manifests as the generator of them, and be liable for the arrangement, transportation, treatment, and disposal of all material. All samples remain the Client's property. Client agrees to promptly, at its cost, remove and lawfully dispose of samples, cuttings, and hazardous materials.
11. **Amendments, Changes, Assignment, Waiver, Compliance.** This Agreement represents the entire agreement of the parties, and may be modified only in a writing signed by both parties. To the extent of any inconsistency between this Agreement and any other document, the provisions of this Agreement will always prevail. Any preprinted terms and conditions on forms used by either party in the administration of this Agreement are void and shall not act to supplement or replace these Terms and Conditions. Neither party may assign this Agreement without the other's prior written consent. Waiver of any term, condition or breach of this Agreement will not operate as a waiver of any other term, condition or breach. Client and Kleinfelder shall abide by 41 CFR 60-1.4(a), 60-300.5(a) and 60-741.5(a), which prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on race, color, religion, sex or national origin. Covered contractors and subcontractors shall take affirmative action to employ and advance individuals without regard to race, color, religion, sex, national origin, protected veteran status or disability.



October 31, 2023

David Morgan, Conservation Agent
Town of Arlington, MA
730 Mass Ave. Annex
Arlington, MA 02476

Re: Proposal scope – Peer Review of Stormwater Design
Thorndike Place Notice of Intent Application

Dear Mr. Morgan,

Kleinfelder is submitting with this letter a proposed Scope of Services for technical support to the Arlington Conservation Commission. It is Kleinfelder's understanding that the Arlington Conservation Commission is seeking a peer review of the Stormwater Report and Management Plan associated with the Thorndike Place development to determine compliance with the Massachusetts Stormwater Standards.

Thorndike Place is a proposed multifamily development in east Arlington along Route 2. The subject site contains Bordering Vegetated Wetland, Buffer Zone to BVW, and Bordering Land Subject to Flooding. The application is being considered under the Wetlands Protection Act (WPA). Arlington Land Realty, LLC of Boston is the applicant with support from the BSC Group.

Kleinfelder anticipates the following scope of work to support the Arlington Conservation Commission:

Task 1: Document Review

Kleinfelder will hold an initial meeting with the Arlington Conservation Agent to develop a complete understanding of the project. In addition, we will conduct reviews of the following provided documentation:

- A. Stormwater Report (September 2023)
- B. Thorndike Place Plan Set (September 2023)
- C. Notice of Intent filing (September 2023)

Task 2: Site Visit

Kleinfelder will conduct a site visit to obtain a comprehensive understanding of site conditions, location and proximity to resource areas.

Deliverable:

Based on information gathered in Tasks 1 and 2, Kleinfelder will prepare a summary memorandum to document findings and provide conclusions and recommendations to the Arlington Conservation Commission.

Task 3: Review of Applicant Team's Response to Comments and Client Representation

Kleinfelder will conduct a review of the Applicant's response to our review summary to ensure that all points are being addressed and there is agreement on approach moving forward. Additionally, Kleinfelder will attend two Conservation Commission public hearings to present findings.

Deliverables:

1. Memorandum of findings
2. Letter response to Applicant response to comments
3. Attendance (virtual) at two Conservation Commission public hearings

Assumptions:

Kleinfelder is assuming that the memorandum of findings will include a limited review of the stormwater design only.

Schedule

Kleinfelder will commence work immediately upon receipt of a signed task order. Kleinfelder assumes a project duration of approximately 3 months (February 2023) to allow review and comment period.

Fee

Kleinfelder anticipates needing 40 hours of senior technical staff to support for this effort. Based on this estimate, Kleinfelder proposes to provide support to the Arlington Conservation Commission as described above on a time and materials basis to a maximum of \$10,000 (Ten Thousand Dollars). All time and expenses will be charged as noted in the attached rate table. Should additional effort be warranted based on additional meetings or iterations of design review, Kleinfelder will notify the Commission prior to proceeding with out-of-scope work.

This proposal is valid for a period of 3 months from the date of this proposal. If authorization or review periods significantly extend beyond the established timeframe, Kleinfelder reserves the right to negotiate adjustment to pricing.

Sincerely,

KLEINFELDER



Peter Varga, Project Manager

Attachments: Rate table, terms and conditions

cc: Kyle Johnson, Greg Avenia, Chris Balerna, Kleinfelder
File



Hourly Billing Rate Schedule

Rates effective through 8/1/2024, subject to 5% escalation thereafter

Position	Maximum Billing Rate*
Sr. Program Manager	\$330
Sr. Principal Professional	\$310
Project Manager III	\$260
Principal Professional	\$240
Sr. Professional	\$200
Project Manager II	\$180
Project Professional	\$170
Staff Professional II	\$150
Staff Professional I	\$130
Professional	\$110

**Actual billing rates vary by staff member, maximum rate per position provided*

Mileage Reimbursement: IRS federal mileage rate

Additional rates for personnel not listed will be provided upon request

Re: Thorndike Place Peer Review

David Morgan <dmorgan@town.arlington.ma.us>

Tue 11/7/2023 3:22 PM

To: Jessica Applin <jess@landstewardshipinc.com>

Hi Jess,

Regrettably, the only answer I have is "as soon as your timeline allows". The time needed will depend on your evaluation of the materials and availability. We'll have to decide based on the capacity of firms we solicited and how quickly/inexpensively they can accomplish the scope of work.

Cheers,
David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012

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From: Jessica Applin <jess@landstewardshipinc.com>

Sent: Tuesday, November 7, 2023 3:18 PM

To: David Morgan <dmorgan@town.arlington.ma.us>

Subject: Re: Thorndike Place Peer Review

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi David,

Thanks for sending this along again. I will share this with Chris when we meet this week and definitely get back to you.

When are you hoping to have this review completed by? Once I know your preferred deadline for the work, Chris and I will be able to give you a more solid response based on our availability.

Thanks!
~Jess

On Tue, Nov 7, 2023 at 3:04 PM David Morgan <dmorgan@town.arlington.ma.us> wrote:

Hi Jess,

I'm reaching out again about this project with a new deadline for submissions: November 14th. The scope is slightly revised below.

Habitat Review

The Conservation Commission is seeking peer review of the Thorndike Place Planting Plan, contained in the Notice of Intent, for compliance with the performance standards for restoration work in Bordering Land Subject to Flooding (BLSF) and standards for work in the Buffer Zone to Bordering Vegetative Wetland (BVW). The Commission not only wishes to know whether the plan is designed to succeed and whether the plan will enhance wildlife habitat values. The scope of work should include background and document review, of the relevant documents, a memorandum or letter to the Commission containing your conclusions and

recommendations following this review, a review of the applicant's team's response to your initial memorandum, a written reply to the Commission addressing the applicant's response, a site visit, meeting support for at least two Conservation Commission public hearings (held via Zoom), and a final report. The Town will facilitate communication with the applicant and provide additional information as needed. For reference, the associated materials can be found [here](#).

Cheers,
David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012

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From: Jessica Applin <jess@landstewardshipinc.com>

Sent: Wednesday, November 1, 2023 8:53 AM

To: David Morgan <dmorgan@town.arlington.ma.us>

Subject: Re: Thorndike Place Peer Review

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning David,

Honestly, its only because Chris and I have been flat out the last few weeks with a restoration project in the Berkshires. We had to get a lit of planting in before the snow flies (which it is now doing out there today!).

The review work seems very interesting, and I definitelt wanted to discuss it with Chris to see if we had the time to tackle it. If you are planning on extending the bid deadline, I would love to run this one past him during our managers meeting tomorrow.

I appreciate you reaching out on this. Let me know what you plan to do, and I'll see what Chris thinks.

Thanks!
-Jess

On Tue, Oct 31, 2023, 12:40 PM David Morgan <dmorgan@town.arlington.ma.us> wrote:

Hi Jess,

Today was the deadline for applications for this peer review opportunity, though it seems we'll be going back out to solicit reviewers for the habitat analysis. Is there a reason LSI didn't apply? We'd want to refine the ask based on potential applicants' feedback.

Cheers,
David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012

Arlington values equity, diversity, and inclusion. We are committed to building a community where everyone is heard, respected, and protected.

From: David Morgan
Sent: Thursday, October 26, 2023 3:43 PM
To: Jessica Applin <jess@landstewardshipinc.com>
Subject: Thorndike Place Peer Review

Hi Jess,

Please excuse the form letter below. I hope LSI is able to submit a response to this call for peer review. I don't know what your experience is like with wetlands permitting, but I imagine your firm has sufficient familiarity.

I'm writing to inquire about your availability to conduct a peer review of certain portions of a Notice of Intent application under consideration by Arlington's Conservation Commission. Please let me know if you are able to take on the scope of work described below, and if so, please provide a timeline and cost estimate.

Thorndike Place is a proposed multifamily development in east Arlington along Route 2. The subject site contains Bordering Vegetated Wetland, Buffer Zone to BVW, and Bordering Land Subject to Flooding. The application is being considered under the Wetlands Protection Act (WPA) only because it has already received a Comprehensive Permit under 40B regulations. The BSC Group is working on behalf of the applicant, Arlington Land Realty, LLC of Boston; Oaktree Development is also involved in the proposed project.

Habitat Review

The Conservation Commission is seeking peer review of the Thorndike Place Planting Plan, contained in the Notice of Intent, for compliance with the performance standards for restoration work in Bordering Land Subject to Flooding (BLSF) and standards for work in the Buffer Zone to Bordering Vegetative Wetland (BVW). The Commission not only wishes to know whether the plan is designed to succeed also wishes to know whether the plan will enhance wildlife habitat characteristics as detailed in 310 CMR 10.60; the applicant has agreed that such a standard should be the goal, even if that performance standard does not strictly apply. The scope of work should include background and document review, of the relevant documents, a memorandum or letter to the Commission containing your conclusions and recommendations following this review, a review of the applicant's team's response to your initial memorandum, a written reply to the Commission addressing the applicant's response, a site visit, meeting support for at least two Conservation Commission public hearings (held via Zoom), and a final report. The Town will facilitate communication with the applicant and provide additional information as needed. For reference, the associated materials can be found [here](#).

If you are available and interested, please submit your proposal by noon on Tuesday, October 31st.

Cheers,
David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012
Arlington values equity, diversity, and inclusion. We are committed to building a community where everyone is heard, respected, and protected.

--

Jessica Applin
Director of Ecological Services

Land Stewardship Inc.
jess@landstewardshipinc.com
(413) 863-6333

RE: Thorndike Place Peer Review

Chase Bernier <chase.bernier@swca.com>

Wed 11/8/2023 9:48 AM

To: David Morgan <dmorgan@town.arlington.ma.us>; Naomi Valentine <NValentine@swca.com>

Cc: Chase Bernier <chase.bernier@swca.com>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi David –

We are definitely interested in this opportunity! If we have any questions, we'll reach out.

Thanks for reaching out on this one.

Best,

- Chase.

P. Chase Bernier, CWB, PWS, CERP

Senior Natural Resources Team Lead

SWCA Environmental Consultants

15 Research Drive

Amherst, MA 01002

P 508.232.6668 | C 845.702.6498

chase.bernier@swca.com

From: David Morgan <dmorgan@town.arlington.ma.us>

Sent: Tuesday, November 7, 2023 3:02 PM

To: Naomi Valentine <NValentine@swca.com>

Cc: Chase Bernier <chase.bernier@swca.com>

Subject: Re: Thorndike Place Peer Review

Hi Naomi,

I'm reaching out again about this project with a new deadline for submissions: November 14th. The scope is slightly revised below.

Habitat Review

The Conservation Commission is seeking peer review of the Thorndike Place Planting Plan, contained in the Notice of Intent, for compliance with the performance standards for restoration work in Bordering Land Subject to Flooding (BLSF) and standards for work in the Buffer Zone to Bordering Vegetative Wetland (BVW). The Commission not only wishes to know whether the plan is designed to succeed and whether the plan will enhance wildlife habitat values. The scope of work should include background and document review, of the relevant documents, a memorandum or letter to the Commission containing your conclusions and recommendations following this review, a review of the applicant's team's response to your initial memorandum, a written reply to the Commission addressing the applicant's response, a site visit, meeting support for at least two Conservation Commission public hearings (held via Zoom), and a final report. The Town will facilitate communication with the

applicant and provide additional information as needed. For reference, the associated materials can be found [here](#).

Cheers,
David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012

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From: David Morgan <dmorgan@town.arlington.ma.us>
Sent: Tuesday, October 31, 2023 12:38 PM
To: Naomi Valentine <NValentine@swca.com>
Cc: Chase Bernier <chase.bernier@swca.com>
Subject: Re: Thorndike Place Peer Review

Hi Naomi,
Sorry I didn't get back to you sooner. The deadline for the reviews was today at noon, but it looks like we'll be going back out to solicit reviewers for the habitat piece, so please stay tuned.

Cheers,
David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development | 781.316.3012

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From: Naomi Valentine <NValentine@swca.com>
Sent: Thursday, October 26, 2023 3:51 PM
To: David Morgan <dmorgan@town.arlington.ma.us>
Cc: Chase Bernier <chase.bernier@swca.com>
Subject: RE: Thorndike Place Peer Review

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi David,

Thank you very much for reaching out and of course we would be happy to help with a Peer Review. I'm copying Chase Bernier (one of our Natural Resources/Permitting Leads) as he will be spearheading the review for you if you choose to hire SWCA.

When are you hoping to see a quote and when would you be looking for us to submit and then present our review to the Applicant and Commission?

Best,

Naomi Valentine | she, her, hers
Ecological Restoration Team Lead

SWCA Environmental Consultants
413.658.2012

From: David Morgan <dmorgan@town.arlington.ma.us>
Sent: Thursday, October 26, 2023 3:42 PM
To: Naomi Valentine <NValentine@swca.com>
Subject: Thorndike Place Peer Review

Hi Naomi,

Please excuse the form letter below. I hope you're able to submit a response to this call for peer review. If you choose to submit for both, please draw up separate documentation for each so that we can compare submissions with each part of the project.

I'm writing to inquire about your availability to conduct a peer review of certain portions of a Notice of Intent application under consideration by Arlington's Conservation Commission. Please let me know if you are able to take on the scope of work described below, and if so, please provide a timeline and cost estimate.

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Stormwater Review

The Conservation Commission is seeking peer review of the Stormwater Report and Management Plan associated with the Thorndike Place development to determine whether it complies with the Massachusetts Stormwater Standards. For reference, the associated materials can be found [here](#). The scope of work should include background and document review, a memorandum or letter to the Commission containing your conclusions and recommendations following this review, a review of the applicant's team's response to your initial memorandum, a written reply to the Commission addressing the applicant's response, a site visit, attendance at two Conservation Commission public hearings (held via Zoom). The Town will facilitate communication with the applicant and provide additional information as needed.

If you are available and interested, please submit your proposal by noon on Tuesday, October 31st.

Habitat Review

The Conservation Commission is seeking peer review of the Thorndike Place Planting Plan, contained in the Notice of Intent, for compliance with the performance standards for restoration work in Bordering Land Subject to Flooding (BLSF) and standards for work in the Buffer Zone to Bordering Vegetative Wetland (BVW). The Commission not only wishes to know whether the plan is designed to succeed also wishes to know whether the plan will enhance wildlife habitat characteristics as detailed in 310 CMR 10.60; the applicant has agreed that such a standard should be the goal, even if that performance standard does not strictly apply. The scope of work should include background and document review, of the relevant documents, a memorandum or letter to the Commission containing your conclusions and recommendations following this review, a review of the applicant's team's response to your initial memorandum, a written reply to the Commission addressing the applicant's response, a site visit, meeting support for at least two Conservation Commission public hearings (held via Zoom), and a final report. The Town will facilitate communication with the applicant and provide additional information as needed. For reference, the associated materials can be found [here](#).

If you are available and interested, please submit your proposal by noon on Tuesday, October 31st.

Cheers,
David

David Morgan | Environmental Planner + Conservation Agent | Department of Planning and Community Development |
781.316.3012

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